In the three cases. He says, after reciting the character of the three cases:

"All the proceedings have for their object

thus convened the Legislature is in session, and it is clearly not the same session which was ended by a prior adjournment thereof without day.

"The Constitution does not provide that the next Legislature after the return of the same session shall make this apportionment. It was a session of the Legislature and it was the first which was held after the return of the enumeration, and it was competent to deal with that subject because of the recommendation of the Governor. There is no basis in the language of the Constitution for the claim that the session of the Legislature referred to in that instrument is the first session of a Legislature which itself first convenes after the return of the apportionment. The Constitution does not say so, and I fail in finding any reason in principle or in the nature of the subject which calls for such a construction. On the contrary, to so construe it is to arbitrarily supply words which are not used, and which neither the context or the surrounding elecumstances call for. In order to construe the Constitution in the manner desired, words must be surplied which have not been employed, and the language actually must be construed as meaning something different from the meaning ordinarily given to it. This court is not prepared to make such an attempt. We also fail entirely to see the force of any argument based upon the assertion that the Constitution intended that some considerable interval should elapse between the return of the enumeration and the apportionment of Senators and members of Assembly under it. There is nothing whatever in the language of the Constitution which assumes or seems to provide that any material interval ought to pass. On the contrary, the language of that instrument would seem clearly to point to definite and prompt action at the earliest practicable moment.

"Judicial notice may be taken of the fact that an enumeration of the innabilitants of the State was ordinarily a members of the constitution which assumes

of that instrument would seem clearly to point to definite and prompt action at the earliest practicable moment.

"Judicial notice may be taken of the fact that an enumeration of the inhabitants of the State was ordinarily a matter that occupied some time to complete it, and the members of the Constitutional Convention of 1842, as well as the people, knew that it might happen that the Legislature which ordered the enumeration would complete its other business and adjourn before the enumeration was completed. In such event, the Legislature not being in session, could not apportion the districts and members in order to insure roompt action upon the matter, the Constitution provided for the alteration coasequent upon an enumeration at the first session after its return. I think that under this constitutional provision the Legislature which ordered the enumeration might remain in session until after its return, and then itself proceed to the alteration made necessary by the results of such enumeration. It would seem to be a complete perversion of the ordinary and plain meaning of language to change what on its face is clearly a direction for prompt action into one providing for or securing delay. There is nothing in the nature of the subject which calls for it. On the contrary, as these alterations are to last but ten years before an enumeration is scaln presented for another alterations are to last but ten years before an enumeration is scaln presented for another alterations are to last but ten years before an enumeration is scaln presented for another alterations are to last but ten years before an enumeration is again presented for another alterations are to last but ten years before an enumeration at the last tended of the total with the subject. And the holding is itself plainly called for by the language of the linstrument under consideration and years included in one volume the

Again, the fact that the Public Printer has for many years included in one volume the aws passed at the regular and at extraordinary session of the same Legislature, and conformation of the variable of the volume as containing the laws passed at the Ninety-first or other regular session, taking no note of the extraordinary session, is not of the least consequence. For convenience of endorsement or for reference to a volume the regular and extraordinary reasion may be regarded as the same, but their inherent difference as separate sessions of the Legislature cannot be oblitering the constitutional requirement. The season of the Legislature cannot be oblitering the constitutional requirement. The legislature cannot be expunsed by

THE APPORTIONMENT VALID.

If IS SUSTAINED BY THE DECISION OF THE COURT OF APPEALS.

JUNGS Peckham Writes the Principal Opinies. In Which Judges Oray, Earl, O'Brien, and Maynard Concur Judge Andrews Is an apportionment are used to leave the whole Judges Pinch Concurs. Modern that the Apportionment Law is Unconcurs. The People ex rel. Bond. as appellant, art the Board of Supervisors of Monroe county. The court is asked to leave a writ of mandamus compelling the Board of Supervisors of Monroe county. The court is asked to leave a writ of mandamus compelling the Board of Supervisors of Monroe county. The court is asked to leave a writ of mandamus compelling the Board of Supervisors of Monroe county. The court is asked to leave a writ of mandamus compelling the Board of Supervisors of Monroe county. The court is asked to leave a writ of mandamus compelling the Board of Supervisors of Monroe county. The court is asked to leave a writ of mandamus compelling the Board of Supervisors of Monroe county. The court is asked to leave a writ of mandamus compelling the Board of Supervisors of Monroe county. The court is asked to leave a writ of mandamus compelling the Board of Supervisors of Monroe county. The court is asked to leave a writ of mandamus compelling the Board of Supervisors of Monroe county. The court is asked to leave a writ of mandamus compelling the Board of Supervisors of Monroe county. The court is asked to leave a writ of mandamus compelling the Board of Supervisors of Onelda county, the same proceedings as in the Monroe case. Orders reversed and motion for a mandamus granted with costs in all courts.

The People ex rel. Horn, appellant, agt, the board of Supervisors of Onelda county, the same proceedings as in the Monroe case. Orders reversed and motions for a mandamus granted with one of the large county to same proceedings as in the Monroe case. Orders reversed and motions for a mandamus granted with a supervisor of Onelda county. The same proceedings as the first proceedings as the first proceedings as

Jone Andrew has written a unsearming one, on, claiming that the targer remember has to the constitutional in which the principal opinion to the three-caves. He sary, after reciting the the tracter of the three caves:

All the proceedings have for their object the decision of the twestom as to the validity of the Apportonment act of 1802. The based of Supervisors, counties of Monres and One-to-the State of the Constitution of the counties into Assembly districts for the purpose of carrying out the provision of the constitution in several perticulars and the constitution of the constitution in several perticulars and the constitution of the constitution in several perticulars and the constitution of the constitution in the constitution of the constitution of the constitution in the constitution of the constit

the fairest that has been passed upon the subject, the act is not an absolutely ideal one. There are some inequalities which any one individual intrusted with the power might at once remedy, but which might be very hard to after when brought under the review of 128 members of the Assembly and thrity-two Senators. Local pride, commercial realousies and rivalries, diverse interests among the people, together with a difference of views as to the true interests of the localities to be affected, all these things and many others might have weight among the representatives on the question of apportionment, so that, in order to accomplish any result at all, compromise and conciliation would have to be exercised. Looking at the act as a result of such circumstances, it seems clear that it cannot be said to be so far a violation of legislative discretion as to cause its complete overthrow by the courts. It is proper to here remark that there are no ligures in the record in these proceedings from which it can be determined what are the number of inhabitants in the different Senate districts in the city of New York. Certain figures have been referred to by counsel, but they have been obtained, not from the record in these proceedings or from any public record, but from some sources whose accuracy cannot be relied on, and which, at all events, is not in any hanner before the court.

"We are of the opinion that the Lagislature, by the alternation of the Senate districts under the act of 1832, has not violated the eightimate and necessary discretion entrusted to it by the Legislature. When we come to the question of what law is in force in this State, if the law of 1832 is not, the situation becomes most alarming. In the case of the relator, Carter, we are saked to command the Secretary of State to issue election for members of a substance and inequality has vasily increased, still order the Secretary of State to issue election for members of Assembly should be tolerated under it. This might relegate the people of the whole S

and upon all ideas of equality, propriety, and justice.

"We are compelled to the conclusion that this act of 1802 successfully withstands all assaults upon it and is a valid and effective law. The order in the first above entitled proceeding should be affirmed, with costs in all courts, and those in the second and third above entitled proceedings should be reversed and the motions for a mandamus granted, with costs in all courts."

That preaumption is not overcome in this instance, where the legislative act simply evidences the exercise of discretion in verforming a political duty. We may concede that adherence to a simple or mathematical system of distribution of members among the counties, in the order of their excesses of population over the ratio, is the better rule: but deviations may be demanded by the public exigencies. Some consideration must be had of the difficulties which environ the passage of an act of apportionment, in the conflicting claims and demands of representatives; some latitude of action must be permitted in considerations which pertain to the geographical situations which pertain to the geographical situations which pertain to the geographical situations and necessities of counties, and some allowance must be made for the active opposition engendered by political feeling. As the bid was reported, an exact and mathematical apportionment appeared, but to secure the passage of the act some changes were made by the Legislature. I do not think that the Legislature is to act as a mechanical contrivance for the mathematical distribution does not say so in unmistakable terms, and, if it does not, courts should hesitate to assert it. Something is confided to the wisdom and judgment of the legislative body in performing this constitutional duty, and if, in the execution of the duty, the result is not perfect, the courts should bresume that the Legislature with respect to carrying it into effect. There is no abuse of this discretion, and for us to adjudge the act unconstitutional and to declare it void would be, in my judgment, a most unwise construction, and would be carrogate a power of interference as dangerous in the precedentasit seems unwarranted in the law.

JUDGE ANDREWS's DISSENTING OPINION.

JUDGE ANDERWS'S DISENTING OPINION.

While concurring with Judge Peckham in the points raised as to the constitutionality of the law. Judge Andrews writes a dissonting opinion, taking the Monroe case as a basis. in which he says:

"I am of the opinion that the Apportionment act of 1802 is void, for the reason that in apportioning members of Assembly among the counties of the State it violates the rule of equality established by the Constitution. It is the cardinal principle of free representatives gone weight in exercising the auffrage. Froportionate representation according to population is the rule, both in the Federal and State Constitutions, except where, by reason of constitutional arrangements and compromises, its full application has been departed from. The rule can never he disrogarded consistently with our representative system, except under the express sanction of the feeole, given in the Constitution, or necessarily implied from its provisions. The Constitution of New York, in prescribing the manner of constituting the legislature, has athered to the principle of representation according the manner of constituting the legislature for a subject of the principle of representation of Senate districts, and that each county should be entitled to at least one member of Assembly. By what process the Legislature reached the results embedded in the Apportionment act does not distinctly appear. It had before it the enumeration of the representative population in each of the counties of the State.

"The problem, in respect to the Assembly, was to apportion among the several counties the 128 members of Assembly as necessary to constitute an Assembly district, one member of Assembly. By what process the Legislature of the void of the counties of the State.

"The problem, in respect to the Assembly, was to apportion among the several counties of the State."

"The problem, in respect to the Assembly, was to apportion among the several counties of the State."

"The problem in a series of the counties of the State and

Dutchess but gave none to Chantaugus in preference to Monroe, St. Lawrence, and the production. It was a much smaller remainder that the others. It gave one to New York county, which has a remainder of Self, and the control of the Control of Self, and the dispreporation was very great. The inequality in the distribution of political power other form of statement contained in the opinion of Judge Dwight. Dutchess county, reserves double the ropresentation of the latter for the same control of the Control of Self, Lawrence, overview of the Latter, Albany county, with less than twice the repulsion of Monroe of Self, Lawrence, overview of the Latter, Albany county, with less than twice the repulsion of Self, Lawrence, overview of the Latter (Albany county, with less than twice the repulsion of Self, Lawrence, overview of the Latter (Albany county, with less than twice the repulsion of Self, Lawrence, overview of the Latter (Albany county, with less than twice the repulsion of Self, Lawrence, overview of the Latter (Albany county, with less than twice the repulsion of Self, Lawrence, overview of the Latter (Albany county, with less than twice the repulsion of Self, Lawrence, overview of the Latter (Albany county, with less than twice the repulsion of Self, Lawrence, overview of the Latter (Albany county) and the Latter (Albany county and the Latter (Albany county) and the Latter (Albany county) and the Latter (Albany county and the Latter (Albany county) and the Latte

Mr. Carpenter to Retire from the Iron

Samuel Carpenter, the general Eastern pas enger agent of the Pennsylvania Railroad. who for the past seven years has been President of the Iron Steamboat Company, has decided to sever his connection with that company, both as its President and as a director pany, both as its President and as a director.
Mr. Carpenter says that his duties as Eastern
passenger agent for the Pennsylvania road in
this city have increased to such an extent as
to demand his entire attention.
It is said that a few of the directors who
have learned of Mr. Carpenter's determination
have been endeavoring to get him to reconsider his action, but he would not listen to
their entreatles.

She is Accused of Shoplifilms. Maria L. Sumner, 28 years old, who says she is a chiropodist in Philadelphia, was arrested is a chiropodist in Philadelphia, was arrested yesterday on the charge of shoplifting in Stern's. The woman, it is said, was first seen to take a pair of stockings. Then she picked up a hand bag belonging to William P. Clark, a commercial traveller, who was about to start for Boston. At Jefferson Market Court she denied stealing the stockings, but said she harliaben the satchel by mistake. She was held for examination.

Mrs. Blanc Must be #p c ile.

Frederic N. Blanc's motion to compel his wife, whom he is suing for divorce, to furnish a bill of particulars of her counter charges of adultery has been granted by Justice Paterson of the Supreme Court. She must state specifi-cally who the women were and at what times and places the various acts were committed.

FATHER WANTED, SON IN JAIL

THE ERBIGS, ONCE GERMAN MER-Both Fled to this Country from Busseldorf. and the Son Was Arrested in Chicago. Where He Was in Business Under an Assumed Name-Looking for the Father. Rudolf Erwig, a handsome German of 30, once a prosperous merchant in Dusgeldorf, and more recently doing business in Chicago under an assumed name, is a prisoner in Lud-low street inil, awaiting his return to Germany to answer the charge of forgery. His father, Johann Erwig, is also wanted on the

same charge. He is supposed to be in this country, but so far has kept out of sight. Johann and Rudolf Erwig were among the most prosperous hide and leather merchants came heavily involved. The elder I wig disstory as told when he was arrested, suspected nothing wrong until he received, about four months ago, a letter from his father in Italy, acknowledging that he had forget bills of ex-

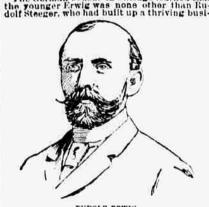


change. With this letter, the son declares, the elder Erwig sent some more forged paper. which he requested his son to realize upon. Rudolf, so he says, destroyed the documents. He accuses his father of drawing him into the crime, and says he is willing to give testimony

against him.
Rudolf, it is said, escaped from Germany under an assumed name at about the time the frauds were discovered. Letters that he sent frauds were discovered. Letters that he sent to his friends in Germany fell into the hands of the authorities abroad, and led to his arrest. A circular was at once issued by them and sent to the German Consuls in this country. It stated that the two Erwigs were wanted for bankruptey and lorgery, and offered a reward of 3,000 marks for their arrest. Johann, it said, was probably accompanied by his wife, who is of medium height and broad shouldered, with brown hair mixed with gray, irregular teeth, and a stoop when walking. Rudolf, it said, was accompanied by a woman, a ten-months-old child, and a maid servant. It stated that he probably used the alias Stecher or Steeger. He was described as 30 years old, tall and somewhat stout, and a blond. He was said to speak German. French, and English. His father was described as 44 years old, somewhat stout and tall. It was said that he lisped slightly.

The German Consul in Chicago learned that slightly.

The German Consul in Chicago learned that



some between Central avenue and Engle street, gave

Pirispupou, Oct. 13. - The Grand Jury here to-day indicted the following officials of the Builders' Exchange for conspiracy: H. E. Barnes, John Catr. L. T. Yoder, D. P. McAice, D. E. Shendon, H. N. Kerr, E. A. Knox, T. J. Hamilton, and J. W. Beckett. The indistmen Hamilton, and J. W. Beckett. The indictions and a civil suit for damages were instituted by Thomas Buchaman. It is an outgrowth of the carpenters and bricklayers strike of last year. During that difficulty the Exchange rejused to seil building materials to any contractors and builders other than members of the Exchange. Mr. Buchaman says that by their refusal to seil him materials he lost contracts and was greatly damaged. He calls their course conspiracy, and will bring a series of actions against them.

Actors to See the Food Show.

To-day is to be "theatrical day" at the big Food Exposition at the Madison Square Garden. Over 500 of the musical and dramatic notabilities of the town have accepted Manager Browne's invitation to see a show that differs entirely from the regular stage 1er-formance, and yet affords abundant interest and entertainment to the spectator. Among the guests will be Joseph Jefferson, Mmc. Mod-esks, John Drewy De Wolf tropper, William Hoey, Rudolph Aranson, Pauline Hall, and the Liliputians. Signor Campanini is to sing for the actors.

Tour to the South via Pennsylvania Ruttrone The second personally conducted tour to the South vis Pennsylvania Railroad, visiting Gellysburg battle-fields, Luray Cavernos, Natural Riedge, Sindtoes of the shemanduab, Richimond, and Washington will leave New York Oct. 15. Tickets for this tip, covering a period of 10 days, will be sold at \$50. For forther information apply to licket agents, or tourist agent, \$40 Broadway, New York.—245. AMUSEMENTS.

BALTIMORE, Oct. 13. - The Episcopal Conven-

tion is making rapid progress in its work. When the House of Bishops adjourned this

afternoon all the work on the calendar had

TIRED OF BEING SCOLDED. Maria Pecora Had Threatened Before that Giuseppe Marolle lives on the top floor of

185 Mott street with his wife and her sister

the street, with his wife and sister-in-law for clerks. Maria is a little girl, just 16 years old.

She did not make a good clerk. She was inat-tentive and absent-minded. Perhaps she

CELVELAND, Oct. 13.-At 9:30 this morning the trolley wire of the Broadway electric line,

way and dropped to the ground. It being mar-

Comstock Makes a Raid, Anthony Comstock made a raid yesterday on the book store of J. J. Clancer, at 48 Rose

street, and arrested Thomas Parry, 18 years

Took Landaum to Induce Sleep and Died, Projects, D. Oct. 13 - Howard Wilson, who had been troubled with insomnia, took a dose of landamum Wednesday night at his home in of intofation westers any figural mass nome in Painfield. At half past 2 o'clock yesterday morning his wife was awakened by his hard breathing. She tried to rouse him, but couldn't. 1r. J. H. Carman was summoned. Wilson died in a short time.

Killed by a Reporter.

Committed Salelde at 80. Woterster, Mass. Oct. 13.—Charles Lamb of Oxford, Solvens old, committed suicide by hanging in his barn this morning. Despondency was the cause.

With Coolness.

Saratoga Kissingen

comes to the table a delicious, sparkling

luxury, as effervescent as champagne

This water is Nature's best, and is bottled

with only its own life as it flows so the

surface through 102 feet of solid tock. There's healing in this stream, and its

gentle tide soon drives out Indigestion,

Dyspepsia, Nervousness, and all Stom-

ach Ills. Absolutely non-cathartic,

All needed particulars sent by

Saratoga Kissingen Spring Co.,

Saratega Springs, N. Y.

Water

Sold in bottles only.

Sparkling with life, the celebrated

Dripping

SHLLWRERS, Minn., Oct 13 .- Editor Seward diel on Wednesday without recovering consejousness. Surgeons found that two of the three ballets fred had penetrated the brain, other or which would have caused death. Seward was shot by a discharged reporter out

THE EPISCOPAL CONTENTION. Discussion of Canons the Chief Business of the House of Bishops, Enter: alaments that the Theatres Offer the Week of Celebration.

The visitors in town must acknowledge that

our theatricals are various and interesting

Good acting is abundant. Famous players

been tovered. Some very important matters are costly and in perfect taste and harmony. There is John Drew in "The Masked Ball" at are still with the Committee on Canons. Ar important subject, and one which caused Palmer's as an example of airy, brisk, and much discussion, was the canon fathered by modish comedy. There is Johnstone Bennett Dr. Richmond of the Newark diocese, and in "Jane" at the Standard, to illustrate the which if passed would limit the period for consent by standing committees and Bishops which if passed would limit the period for consent by standing committees and Bishops to the consecration of a Bishop. The proposed amendment sets forth that in case no answer is received within four months from any Bishop or standing committee, such silence shall be construed into consent and the vote be counted in the affirmative. There was so much opposition to this and so many amendments offered that the entire matter was recommitted to the Committee on Canons.

Another matter that elicited discussion was the adverse report of the Committee on Canons to the resolution providing that in case of a minister voluntarily retiring from the Church the Bishop of the diocese shall give him a certificate setting forth that his deposition was not because of immoral behavior. At present the announcement is simply made. After much debate the report was adopted.

The Bishops made a number of changes in the lessons, adopted some of the canons, and formed a new missionary district in western Colorado, the Bishop for which will be elected on next Monday.

The memorial of the diocese of Massachuseits, praving the authorization of the use of the revised version of the Holy Scribtures was unlavorably reported from the committee thereon. The grounds given were the controversy among the revisionists, the distortion of the new version. "Its cumbrous and pedantic phrases that obscure the sense and offend the ear," in the language of the Rev. Dr. Abbott presented his views as the minority member of the committee, and claimed that it was not the object of the revision to bligatory. The matter was male the order of the day following the now existing special orders.

RENTUCKY ANGRY AT CHICAGO. possibilities of farce, and Lottie Collins dances between acts. There is Edward Sothern worthy son of a clever sire, in "Captain Lettarblair" at the Lyceum, showing the excellent work of a woman's wif. There is l'auline Hall, jolly and beautiful, in the tuneful and sportive "Puritania" at the Fifth Avenue; "The Black Crook," picturesque even in its most suggestive episodes, at the Academy at every performance: those screaming folly shows. "A Parlor Match" and "A Trip to Chiwith comic actors, pretty girls, and startling high kickers in their progress; those astonishing miniature per armers, the Liliputians, in "Candy" at the Unio, Square, to say nothing of "A Fair Rebel." the Fourteenth Street's vivid war play; "Wang," the Broadway's operatic travesty; "Squatter Sovereignty," Harrigan's enjoyable comedy of life in the metropolis or "Jittle Miller "Delicate". olis, or "Little Miss Million," Daly's farcical play. Surely it were easy to suit any and all tastes with this list to pick from. "Wang." i may be well to add, is in its last week. At the artistic top of the theatrical list are Jefferson in "Rip Van Winkle" at the Star and Modies mann is giving his own unique enter talnments at his theatre. In the variety bills strangers find a wide choice. The Casino exhibits several newcomers, and one of them. Geran, a French mimic, is decidedly clever He dances lightly and gracefully, and gives several imitations that are first rate in style and execution. The Brantfords and the Acme Four are in the Casino's bill, which retains The Treatment Accorded to Congressman Breckingldge Has Stirred Up Things. Fougère and the two big ballets. At Koster's the Berats, a pair of French entertainers, have arrived, and with Vanoni. Wood and Louisville. Oct. 13.-The Times this afternoon advised Kentucky to abandon the idea of Shepard, Dorothy Denning, and Amann, the facial mimic, the programme is acceptable. an exhibit at the Chicago World's Fair. This advice is based on the complications that Tony Pastor's own company, with Maggie Cline, Bessie Bonehill, and Pastor himself and questionable legislation, rendering the among the performers, have been warmly greeted at the Harlem Columbus, Meanrecourse is taken to the courts, together with the indignities that have been offered Conwhile Pastor's Fourteenth Street stage is ocrecourse is taken to the courts, together with the indignities that have been offered Congressman Breckinridge by the Chicago press and public. The Times says:

"Because Col. Breckinridge did not choose to regard his selection as dedication orator as a quid pro quo for his conseience and a vote in the matter of a Congressional appropriation, he has been hounded by the representative dub and press of Chicago to the point that he has been compelled to cancel his appointment or to fulfil it at the sacrifice of his self-respect and at the risk of suffering personal indignity.

"Not only that, so disregardful of all the proprieties have been the newspaper assaults upon the citizen that the State has been bespattered with filth, and every son and daughter of the commonwealth ireated with contumely and contempt. Parties and sectionalism have been lugged into the one-sided controversy, and Chicago, through her recognized, if not authorized spokesmen, have with brutal frankness notified the people of Kentucky and the snitre South that they are not expected and not wanted at this family affair.

"Let the State representatives in the national commission—Lindsay, McKenzie, and Bennett-resign, and Kentucky say to the Chicago management that if she is not an honored guest or host at this Fair she will not be present in either capacity." cupied by a score of specialists, most of whom bill has revealed no new faces, but the show is of average diversity. The Eden Musée is having a brisk week.

having a brisk week.

The first special engagement of the new season at the Amberg began on Monday night with the American reappearance of Emil Thomas. This droll actor, whose versatility is marked and whose methods are thoroughly artistic, has brought his own company from Berlin and has come forward in a farce by Leon Treptow, called "Our Don Juans." It is an entirely frivolous piece, with the slightest sort of moral, but with excellent humor in its sallies and accuracy in some of its characterizations. Herr Thomas dominates its fun easily enough. Betty Parnholor is a charming assistant, and the support is competent.

In the changes at the cast and west side.

easily enough. Betty Darnholer is a charming assistant, and the support is competent.

In the changes at the east and west side theatres this week no new play is made known, but all the revivals are of well tested and generally liked material. "The Struggle of Life," at the Grand Opera House, has excellent scenic embellishment. No local melodrams in recent years has surpossed it in that respect. Its actors are not all of high degree, but they interpret the rather far-fetched story effectively. Lillian Lowis in "Lady Lil," is nt Niblo's this week, with Lawrence Marston, author of the play, now in the cast, and most of the company seen in her support at the Standard. "Lady Lil" has been changed for the better since its Broadway trial. At Jacob's "Good Old Times," a conventional but stirring play, has delighted Third avenue theatregoers. It is well acted and mounted. The English melodrama, "My Jack," with Frank It. Mills and Marguerite Foeley as its principal players, is at the Feeple's, and at the Windsor Edwin Arden mas revived "Eagle's Nest," the earliest and best of his plays. The Harlem Opera House change has been to "Friends," in which L. M. Royle, the author, with Selena Fetter, Theodore Hamilton, Lucius Henderson, and Joseph Wheelock, are employed. That an actor so long tried and thoroughly disciplined as Joseph F. Wheelock is to leave the cast of "Friends" at the close of this week, because he has failed to satisfy his manager, It is alloged against him that he has been several times remiss in catching and giving cues. In "Friends" at the close of this week, because he has failed to satisfy his manager, It is alloged against him that he has been several times remiss in catching and giving cues. In "Friends" in the simpersonated the drunken father of the heroine. It is a part of his husinoss to remain behind a portiere and groan, in presumed agons. They say that on one occasion, at the moment when he should have groaned, he was enjoying a quiet smoke in his dressing room. Wheelock always commands good wage Maria Pecora. Marolle keeps a grocery across tentive and absent-minded. Perhaps she thought too much of the young tailor with whom she was in love.

Marolle and her sister frequently scolded her. Each time she would profess her love for the tailor and would threaten to kill herself. Marolle laughed at her threats. Yesterday, Marolle says, Maria was especially unruly and he felt called upon to be unusually severe. He teld her she must give up her lover, and she left the room saying she was determined to die. Maria crossed the street and went up stairs to her room. Marolle waited for her to come back. She did not come, and at last he went for her. He found her moaning on her bed. She was taken to St. Vincent's Hospital, where it was found that she had taken a dose of Paris green. She has a slim chance of recovering.

The tale of disaster among the weaker ventures on the road has recoived several interesting additions during the past few days, and it would seem that the country at large is not so generous to the strolling players as might have been expected. The "Bulis and Bears" company disbanded in distross and disorder last Saturday night at Baltimore. The troups was organized in this city by John Campbell, son of the late Bartley Campbell, who wrote the play many years ago. J. B. Radeliffe, a comedian in Edward Harrizan scompany last year, entered into the venture, and in the cast sustained the chief role. The actors have come home, and of course they are bitter in their compaints. Louise Calder attached the box office receipts on the closing day in an attempt to get two weeks' wages. The Cahown obsera company is stranded in Chicago. Some New York singers were in it, and about \$3,000 is due for snairies. In this case the assertion that the manager had a "backer" in a wealthy business man seems to have induced the playors to remain unpaid as long as they could get board and lodgings. They only halted when enough money wasn't forthcoming for rairond fares. "A Fatal Gift" is among the recent closures amid distressful circumstances. This melodrama was untried when it started on the circuits, and to add to its dangers, it had no actor of note in its cast though some of the playors were old and capable. In this instance, also, the representation that there was "pienty of money behind the show" misled the actors, Only half of the first week's wages had been taid.

In Vienna, realism on the stage is making progress, according to the testimony of an The tale of disaster among the weaker venket dar, the thoroughfare was jammed with people and vehicles, and for a few minutes there was the wildest commotion. Sam Soliwartz, the driver of a peddler's wagen, was caught by the falling wire and fell unconscious to the sidewalk. He recovered sufficiently in a few minutes to walk into a store and was soon able to be taken home. Three horses were knocked down, but none received more than a severe shock. The cars were blocked for half an hour and travel was entirely cut off. street, and arrested from a latty, by years old, of 10 toricars street, who is accused of selling and distributing obseene literature. Instructs employed as a clerk in the place. I lattery was not present when the police arrived. About 600 alleged obseene books were confiscated. At the Tombs Court Justice Ryan held Darry for examination.

wages had been said.

In Vienna, realism on the stage is making progress, according to the testimony of an ove witness. A recent novelly at the Volks Theatre, by an anonymous author, was called "Fallen Angels." After depicting small bourgeois life in Vienna with an able ren, the playends with an act in which a weak, good-natured old father, finding he has been deceived by his daughter, goes mad, and on the stage pursues his wife until be catches her, then strangles her, and finally is attacked by a lit of apoplexy, which does not kill but lames him. All the while the realistic support on the table is still steaming. The public most decidely rejected this last act, though the realists applauded it, so that there was a lively scene in the theatre. The anonymous actior, supposed to be a Government official, afterwards declared through the newspaper that the critics were right, and he would change his last act according to their advice.

The Carmencita Concert.

Carmencita danced again last night to an enthusiastic but somewhat slim audien c in Chickering Hall. It was the second of the series of Carmeneita concerts, the last of which is to be to-morrow night, and the musical teatures were presented by the same artists as on Saturday last, her own Spanish company. The singing of standard operative arias, was very good and the distinctly Spanish londures—the Spanish instrumental trio, the amazingly acrobatic tamberine dance of Sefer Cliquenaga, and the singing and guitar playing of the new tenor. Sefer Antonio Grauwers entertaining. Carmenetta, of course, was as graceful and vivacious and fascinating as ever. which is to be to morrow night, and the mu-

Motor Wetmere's Income Suspended.

Sarah Taylor Wetmore, as trustee under the will of her husband, Samuel Wetmore, has over enjoined by Justice Patterson of the Supreme Court from disposing of any of the income of a \$100,000 trust in detected by the will for the homely of the test iter's son, Major William 12 we more pending a suit of sequester Major We comes properly to seem almost awarded his former wife. Annette 15, Welmore. been enjoined by Justice Patterson of the

fo', Shepard Subout and for To-day. District Attorney Nicoll ordered a subporta server to serve Col. Elliott F. Shepard yesterday with a subports to appear before the Grand Jury to-day to be examined as to his alleged relations with "Count' Eugene Mitkiewicz. The Grand Jury are investizating the complaint of Arthur L. Tomes of Brooklyn that Mitkiewicz swindled him out of \$1.750. NEW YORK POLICE GET HIM.

ARREST OF A MAN SUSPECTED OF MUR-DER IN DEDHAM OVER A TEAR AGO.

Miss Mary Emerson was Found Strangled in a Closet There, and Her Bired Man Disappeared—An Alleged Confession.

may be seen on our stages. The accessories Detective Sergeant Arthur Carey of Inspector McLaughlin's staff arrested August Langner at the corner of Water and Greenwick streets at 8 o'clock on Wednesday night and took him to Police Headquarters. Languer, or Charles Kuntz, as he is known in this city, is wanted for a brutal murder committed in Ded-ham, Mass., on June 2, 1891. In the town there lived an old lady named Mary Emerson. She was good, kind-hearted, and loving. She

had no enemies, so far as was known.

In the latter part of May, 1801, Philip Hoffman, a gardener who had worked for Miss Emerson for years, decided to leave her and secept a job in Boston. Miss Emerson endeavored to have him stay with her. Hoffman decided that he must go. Three weeks after he left her employ Miss Emerson went into Boston, and again asked Hoffman to come back. He refused and advised Miss Emerson to go to an employment agency and hire a man. She took his advice.
She hired a man named August Languer.

Languer came from Schimmelwiz, Breslau. Germany, two days before. Soon after he went to work, on June 2, Miss Emerson disappeared. Languer could not be found. On

went to work, on June 2. Miss Emerson disappeared. Languer could not be found. On the third day after nor disappearance relatives searched the house and found her body in a closet. On her throat were marks of a man's fingers. She had been choked to death. The villagers searched high and low for Languer. He could not be found. Then is their frenzy they arrested Hoffman. He was discharged on proving an alibb. Weeks of investigation served to fasten the crime on Languer. The State police took up the case and sent an alarm throughout the country. They described Languer as 26 years old, of feet 9 inches tall, dark blue eyes, thin moustache, and light hair. On his breast was tattooed a flower, on his right arm a girl, and on his left arm a ribbon. He wore a black Derby hat, dark clethes, and a black-and-white striped shirt. Nothing was heard of the suspected man.

When huppector McLaughlin took charge of the Detective Bureau he looked up all the old alarms for fugitives. He detailed Detectives Carey and Mulholland on the Languer case. On Wednesslay night the detectives located him at Fred Ranke's lodging house, ti26 Water street. The information which led to Languer's arrest was turnished by Joseph Gentefohr, a shoveller in a coal yard in South street, Gentefohr said yesterday that Languer had talked to him about the murder of Miss Emerson, and had all but admitted that he had killed her. Jacob Rattigen, the bartender in the saloon under the boarding house where Languer stopped, said that on last Sunday night he was walking up Greenwich street, Gentefohr said yesterday that Languer approached him and asked if they did not remember him. "I'm August Languer," he said. "You know, you two men and I were in an intelligence office in Boston in May, 1891."

"Oh, yes," said Gontofohr; "we reached Boston together."

"Oh, yes," said Gontofohr; "we reached him at him with a knife.

"I had to kill her." Languer is alleged to have said, "or die myself. I struck her with a piece of stove wood, threw the body in the closet and left

Baptists Accuse a Fair Association

ELIZABETH, Oct. 13.- At the annual session of the Central New Jersey Baptist Association to-day a resolution was adonted declaring that the New Jersey Inter-State Fair Association, for a large sum of money, had sold privi-leges to gamble on the grounds, and then had issued to school children free tickets. It was resolved to take a stand against the race track and gambling. The Con-vention elected the Rev. Dr. J. J. Sage Beer of Flemington as Moderator for the ensuing year and C. B. Stout of New Brunswick as clerk.



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SUN'S Guide. Are you partial to any variety of dramatic performance? The Sun's Guide will tell you where to find it. When going away THE SUN'S Guide will tell you what your route hould be. Do you know which hotel you will stop at? The Sun's Guide gives the rates of each. Visitors, don't bore people with questions. THE SUN'S Guide answers all you are likely to ask. Are you interested in art? New York has a trealth of masterpieces to show. The SUN'S Guide tells where they may be seen. Athletic and sporting men are all interested in The SUN'S Guide. Club men should read THE SUN'S Guide. It tells about New York's clube. Do you contenu New York's architecture? You will never do it again after reading Tur. Sux's Unide. The mathinery of fluence is described in THE SUN'S Guide. Philanthropists will find much of sugofent organizations. Do your friends live in the salurbs - The Sun's Guide will tell you hole to reach them. Of course you will do some shopping here. The Sun's Guide tells where the shopping districts are and how some of the big stores are